

**REMARKS**

Claims 7, 14 and 17-30 are pending in this application. By this Amendment, claims 7, 14, 19, 22, 23, 26, 27 and 30 are amended. Support for the amendments to claims 7 and 14 may be found at least at page 5, lines 4-8; and page 9, lines 14-18 of the specification; support for the amendments to claims 19, 23 and 27 may be found at least at page 22, lines 14-19 of the specification; and support for the amendments to claims 22, 26 and 30 may be found at least at pages 28-29 of the specification. No new matter is added by the above amendment. In view of at least the following, reconsideration and allowance are respectfully requested.

**I. Claim Rejections under 35 U.S.C. §102**

The Office Action rejects claims 19, 23 and 27 under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2003/0020951 (Minowa); and rejects claims 26 and 30 under 35 U.S.C. §102(e) over U.S. Patent No. 7,006,691 (Muramoto). These rejections are respectfully traversed.

It is well settled that a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP §2131. Despite the Office Action's assertions, Minowa and Muramoto do not teach each and every feature presently recited in claims 19, 23, 26, 27 and 30.

**A. Rejection of Claims 19, 23 and 27**

Independent claim 19 recites, in part, "a determining unit that, when a rasterizing process by use of a target profile is executed based on a request from a requester, determines a first fee corresponding to use of the target profile and a second fee corresponding to execution of the rasterizing process, the target profile indicating relationship of a color characteristic between image data and a print result of the image data printed by a target device" (emphasis added).

Independent claim 23 recites, in part, "determining, in a case where a rasterizing process by use of a target profile is executed based on a request, a first fee corresponding to use of the target profile and a second fee corresponding to execution of the rasterizing process, the target profile indicating relationship of a color characteristic between image data and a print result of the image data printed by a target device" (emphasis added).

Independent claim 27 recites, in part, "determining, in a case where a rasterizing process by use of a target profile is executed based on a request, a first fee corresponding to use of the target profile and a second fee corresponding to execution of the rasterizing process, the target profile indicating relationship of a color characteristic between image data and a print result of the image data printed by a target device" (emphasis added).

The Office Action asserts that Minowa teaches "a data processing system comprising: a determining unit that...determines a first fee corresponding to use of the target profile and a second fee corresponding to execution of the rasterizing process...; and an accounting unit that accounts for the first fee and the second fee," as recited in independent claim 19.

Applicants respectfully submit that Minowa fails to teach or otherwise render obvious such features. Specifically, Applicants submit that that Minowa fails to render obvious "a first fee...and a second fee," as recited in independent claim 19 and similarly recited in independent claims 23 and 27. Instead, Minowa merely discloses calculating a single fee for the cost of printing print data, that has been converted from digital data, the cost being based upon the predicted amount of ink to be consumed (see Minowa, paragraph [0151]). The amount of ink to be consumed is determined by the number of dots in the raster data to be printed and the respective size of the dots (see Minowa, paragraph [0150]).

In addition, Minowa fails to disclose the target profile indicating relationship of a color characteristic between image data and a print result of the image data printed by a target device.

Consequently, Minowa fails to anticipate or render obvious the above-quoted features recited in claims 19, 23 and 27. Thus, Minowa fails to disclose each and every element recited in claims 19, 23 and 27.

Accordingly, withdrawal of the rejection is respectfully requested.

**B. Rejection of Claims 26 and 30**

Independent claim 26 recites, in part, "requesting for transmitting a target profile which represents color characteristics of devices, the target profile indicating relationship of a color characteristic of a color characteristic between image data and a print result of the image data printed by a first printing device; receiving the target profile; generating a device link profile based on the received target profile and a device profile indicating relationship of a color characteristic between the image data and a print result of the image data printed by a second printing device, the device link profile indicating relationship between the target profile and the device profile; transmitting information, which indicates that the device link profile using the target profile is generated."

Independent claim 30 recites, in part, "requesting for transmitting a target profile which represents color characteristics of devices, the target profile indicating relationship of a color characteristic between image data and a print result of the image data printed by a first printing device; receiving the target profile; generating a device link profile based on the received target profile and a device profile indicating relationship of a color characteristic between the image data and a print result of the image data printed by a second printing device, the device link profile indicating relationship between the target profile and the device profile; transmitting information, which indicates that the device link profile using the target profile is generated."

The Office Action asserts that Muramoto teaches "a data processing method comprising: requesting for transmitting a target profile which represents color characteristics

of devices; receiving the target profile; generating a device link profile...; and transmitting information, which indicates that the device link profile using the target profile is generated," as recited in independent claim 26. Applicants respectfully submit that Muramoto fails to teach all of these features. Specifically, Applicants submit that Muramoto fails to disclose "a target profile which represents color characteristics of devices," as recited in independent claim 26 and similarly recited in independent claim 30 (emphasis added). Instead, Muramoto merely discloses a profile correction section 150 that corrects the measured colors, obtained by the measured value obtaining section 120, to approach colors stored in the target value storage section 140 as target values (see Muramoto, col. 8, lines 29-37). The target values represent the desired colors of the color patches 32a constituting the color chart 32 (see Muramoto, col. 8, lines 20-23). The color chart 32 consists of tone patches of CMYK four primary colors (see Muramoto, col. 8, lines 51-52). Thus, because Muramoto discloses target values which represent color characteristics of a color chart, and not of a specific device, Muramoto fails to anticipate and render obvious the presently claimed combination of features recited in independent claims 26 and 30.

Moreover, Muramoto merely discloses that color processing is performed within the same printer rather than using a first printing device and a second printing device, as presently recited in independent claims 26 and 30.

Muramoto fails to anticipate or render obvious the above-quoted features recited in claims 26 and 30. Thus, Muramoto fails to disclose each and every element recited in claims 26 and 30.

Accordingly, withdrawal of the rejection is respectfully requested.

### **III. Claim Rejections under 35 U.S.C. §103**

The Office Action rejects claims 7 and 14 under 35 U.S.C. §103(a) over U.S. Patent No. 6,629,753 (Usui) in view of U.S. Patent No. 7,139,087 (Hayashi); rejects claims 17 and

18 under 35 U.S.C. §103(a) over Usui in view of Hayashi and further in view of Muramoto; rejects claims 20, 24 and 28 under 35 U.S.C. §103(a) over Minowa in view of Usui; rejects claim 22 under 35 U.S.C. §103(a) over Usui in view of Minowa; and rejects claims 21, 25 and 29 under 35 U.S.C. §103(a) over Minowa in view of U.S. Patent No. 6,999,617 (Ohga). These rejections are respectfully traversed.

It is well settled that in determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *See* MPEP §2141.02. To this end, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *See* MPEP §2141.02 VI.

To establish a prima facie case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings; (2) there must be reasonable expectation of success; and (3) the prior art reference must render obvious all the claim limitations. *See* MPEP §2142.

**A. Rejection of Claims 7 and 14**

Independent claim 7 recites, in part, "an evaluation unit for evaluating quality of the third color characteristic data; a calculation unit for calculating a fee for generating the third color characteristic data on the basis of the quality obtained as a result of the evaluation, the fee being a variable cost associated with each particular imaging job; and an accounting device for accounting for the calculated fee."

Independent claim 14 recites, in part, "evaluating quality of the third color characteristic data; calculating a fee for generating the third color characteristic data on the basis of the quality obtained as a result of the evaluation, the fee being a variable cost associated with each particular imaging job; and accounting for the calculated fee."

Because Usui allegedly discloses sending the color conversion data, the delivery specification data and the print specification data to the management unit, the Office Action asserts that Usui argues that the printing fee takes into account the color conversion data in determining the printing fee. Applicants respectfully submit that the Office Action has failed to establish a prima facie case of obviousness with respect to this assertion.

Applicants respectfully submit that Usui cannot be reasonably interpreted as calculating a fee for generating a third color characteristic data on the basis of the quality obtained as a result of the evaluation. Under the broadest interpretation of the applied references, the color conversion data - which the Office Action interprets as being the third color characteristic data - may be an overhead cost that is previously incorporated into the pricing (i.e., not a variable cost that changes with each job). Thus, even under this broad interpretation of the applied references, if this overhead cost is merely amortized over the price of each print job then the calculation unit does not calculate the fee - rather, the fee is predetermined. In contrast to this broad interpretation, independent claims 7 and 14 recite that the fee is a variable cost associated with each imaging job.

Usui and Hayashi, either individually or in combination, do not anticipate or render obvious "the fee being a variable cost associated with each particular imaging job." Therefore, Usui and Hayashi, either individually or in combination, do not teach, disclose or suggest the subject matter recited in claims 7 and 14.

Accordingly, withdrawal of the rejection is respectfully requested.

**B. Rejection of Claims 17 and 18**

As discussed above, Usui and Hayashi, either individually or in combination, do not anticipate or render obvious "the fee being a variable cost associated with each particular imaging job." Muramoto fails to cure this deficiency. Therefore, Usui, Hayashi, and

Muramoto, either individually or in combination, do not teach, disclose or suggest the subject matter recited in claims 17 and 18.

Claims 17 and 18 variously depend from claims 7 and 14. Because the applied references, in any combination, fail to render the subject matter of independent claims 7 and 14 obvious, dependent claims 17 and 18 are patentable for at least the reasons that claims 7 and 14 are patentable, as well as for the additional features they recite.

Accordingly, withdrawal of the rejection is respectfully requested.

**C. Rejection of Claims 20, 24 and 28**

As discussed above, Minowa fails to disclose the target profile indicating relationship of a color characteristic between image data and a print result of the image data printed by a target device. Usui fails to cure this deficiency.

Minowa and Usui, in any combination, do not anticipate or render obvious the presently claimed combination of features. Therefore, Minowa in view of Usui, either individually or in combination, do not teach, disclose or suggest the subject matter recited in claims 20, 24 and 28.

Claims 20, 24 and 28 variously depend from claims 19, 23 and 27. Because the applied references, in any combination, fail to render the subject matter of independent claims 19, 23 and 27 obvious, dependent claims 20, 24 and 28 are patentable for at least the reasons that claims 19, 23 and 27 are patentable, as well as for the additional features they recite.

Accordingly, withdrawal of the rejection is respectfully requested.

**D. Rejection of Claim 22**

Independent claim 22 recites, in part, "a request unit that requests a storing unit to transmit a target profile to the data processing system, the storing unit being on a network and storing a target profile indicating relationship of a color characteristic between image data and a print result of the image data printed by a first printing device; a receiving unit that receives

the target profile from the storing unit through the network; a generation unit that generates a device link profile based on the target profile received by the receiving unit and a device profile indicating relationship of a color characteristic between the image data and a print result of the image data printed by a second printing device, the device link profile indicating relationship between the target profile and the device profile; a transmitting unit that transmits information, which indicates that the device link profile using the target profile is generated, to an accounting unit, the accounting unit for use of the target profile."

Usui and Minowa, either individually or in combination, do not render obvious the target profile indicating relationship of a color characteristic between image data and a print result of the image data printed by a target device. Therefore, Usui and Minowa, either individually or in combination, do not teach, disclose or suggest the subject matter recited in claim 22.

Accordingly, withdrawal of the rejection is respectfully requested.

**E. Rejection of Claims 21, 25 and 29**

As discussed above, Minowa fails to disclose the target profile indicating relationship of a color characteristic between image data and a print result of the image data printed by a target device. Ohga fails to cure this deficiency.

Minowa and Ohga, in any combination, do not anticipate or render obvious the presently claimed combination of features. Therefore, Minowa in view of Usui, either individually or in combination, do not teach, disclose or suggest the subject matter recited in claims 21, 25 and 29.

Claims 21, 25 and 29 variously depend from claims 19, 23 and 27. Because the applied references, in any combination, fail to render the subject matter of independent claims 19, 23 and 27 obvious, dependent claims 20, 24 and 28 are patentable for at least the reasons that claims 19, 23 and 27 are patentable, as well as for the additional features they recite.



Accordingly, withdrawal of the rejection is respectfully requested.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Request for Continued Examination (RCE)  
Petition for Extension of Time

Date: January 2, 2009

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